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**MAILED**  
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**OFFICE OF PETITIONS**

In re Patent of Kotovsky	:	
Patent No. 6,997,267	:	
Issue Date: February 14, 2006	:	Decision on Petition
Application No. 10/090,515	:	
Filing Date: March 1, 2002	:	
Attorney Docket No. KOTOV-10	:	

This is a decision on the petition under 37 C.F.R. § 1.378(b), filed March 29, 2011, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The patent issued February 14, 2006. The 3.5 year maintenance fee was due from February 14, 2009, through August 14, 2009, or with a surcharge during the period from August 15, 2009, to February 16, 2010.<sup>1</sup> The fee was not timely paid. As a result, the patent expired February 15, 2010.<sup>2</sup>

Petitioner has met the requirements to reinstate the above-identified patent pursuant to 37 C.F.R. § 1.378(b). Therefore, the maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

The 3.5 year fee of \$980 could have been filed as late as February 16, 2010, with payment of a \$130 surcharge. A petition under 37 C.F.R. § 1.377 was previously filed on March 12, 2010. The petition argued the 3.5 year fee was timely paid on February 16, 2010. The petition only included \$80 of the \$130 surcharge. Therefore, \$50 was charged to Deposit Account No. 19-0737. Since relief is currently being granted under 37 C.F.R. § 1.378(b), the \$130 surcharge is unnecessary and the \$130 has been credited to Deposit Account No. 19-0737.

<sup>1</sup> February 14, 2010, was a Sunday and February 15, 2010, was a federal holiday.

<sup>2</sup> Pursuant to 35 U.S.C. § 21, the last date the maintenance fee could have been timely paid with a surcharge was extended to February 16, 2010. However, the patent expired on February 15, 2010, the provisions of 35 U.S.C. 21 "do not extend the expiration date of the patent if the maintenance fee and any required surcharge are not paid when required." Manual of Patent Examining Procedures ("MPEP") § 2506 (8th ed., Rev. 8, July 2010).

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'C. Brantley', with a stylized, cursive script.

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